IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23996 of 2004

Between:

Sri D. Prabhakar Reddy, S/o. D. Malla Reddy,
Prop. of M/s. Bharat Traders, Jadcherla, Mahabubnagar District.

..... PETITIONER

AND

1 The District Collector, C.S., Mahabubnagar District.
2 The M.R.O., Jadcherla, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus and set aside the panchanama and seizure report dt. 28.10.2004 and declare the action of the Respondents is illegal, arbitrary without jurisdiction and pass such other order or orders in the interest of justice.

Counsel for the Petitioner:MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a trader in rice. He claims that he purchased 992 bags of rice each, weighing 50 kgs, in an auction conducted by the A.P. State Civil Supplies Corporation Limited, in May 2004. The 2nd respondent inspected the premises of the petitioner on 218.10.2004, on the allegation that the rice found in the premises was different from the one purchased by the petitioner in the auction. He effected seizure of the same and initiated proceedings under Section 6-A of the Essential Commodities Act, through orders, dated 29.10.2004. Petitioner challenges the very competence of the 2nd respondent in effecting the seizure.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil supplies.

Petitioner categorically states that he purchased the rice in question, in an auction held by the Civil Supplies Corporation. The 2nd respondent opined that the stock is different. Even assuming that the petitioner is holding the stock other than the one purchased by him in the auction, it needs to be seen as to how far his action is legal.

Before the year 2002, there used to exist number of restrictions on the storage of transport of rice and its other related products, in view of various Control Orders passed by the State and Central Governments, in exercise of powers under the Essential Commodities Act. In the year 2002, all such restrictions were removed. As of now, there do not exist any limits or restrictions on any individual or trader, in the matter of storage or transport of paddy, rice etc. This Court has an occasion to deal with this aspect in ***Sheela Srinivas v. District Collector, Karimnagar[1].*** It was held

that the authorities of Civil Supplies Department do not have any jurisdiction to effect seizure of the stocks of rice, paddy etc.

Following the same, the writ petition is allowed, directing the respondents to release the stocks seized from the petitioner forthwith, without any conditions. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 30th December, 2004

TS

To

1 The District Collector, C.S., Mahabubnagar District.
2 The M.R.O., Jadcherla, Mahabubnagar District.

3 2 CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)

4 2CD copies.